

PRELIMINARY AMENDMENT

Applicant: Mark L. Yoseloff, et al.

Serial No.: 09/405,921

Filed September 24, 1999

Docket No.: PA0368.ap.US

Examiner: S. Ashburn

Group Art Unit: 3713

Title: VIDEO GAMING APPARATUS FOR WAGERING WITH
UNIVERSAL COMPUTERIZED CONTROLLER AND I/O INTERFACE FOR UNIQUE ARCHITECTURE

REMARKS CONCERNING THE AMENDMENTS

The above amendments have been made in an effort to more clearly define the present invention. Antecedent basis for the added limitation may be found generally in the specification and, for example, page 8, line 15 through page 10, line 32. It is also pointed out in those section that the I/O interface may comprise logic and that the logic may perform functions such as converting signals, buffering, and latching. There is literal antecedent basis for the new claim language in the original specification. The amendment by the addition of the terminology "the computerized game controller monitoring through an I/O interface assembly at least one condition selected from the group consisting of: coins in/out, currency in/out, debt/credit, and cashless event" finds antecedent basis on pages 23-26 in the original specification.

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STATUS OF THE REJECTIONS

1. Claims 1-9 have been rejected under 35 U.S.C. 112, second paragraph

The issue raised against these claims is the lack of antecedent basis for the terms “the interface formats” and “universal controller” (the first occurrence) in claim 1.

**2. Claims 1, 2, 5 and 6 have been rejected under 35 U.S.C. 102(e) as anticipated by Hedrick
(U.S. Patent No. 6,135,884)**

It is asserted that Hedrick et al. teach each and every limitation in these claims.

3. Claims 4, 7 and 8 are rejected under 35 U.S.C. 103(a) as obvious over Hedrick et al., alone.

It is asserted that the differences between these claims and claims 1 and 2 are obvious from the teachings of Hedrick et al., alone.

**4. Claims 3, 9-17 and 19-37 have been rejected under 35 U.S.C. 103(a) as unpatentable over
Hedrick in view of “RTD” and Madsen.**

It is asserted that all of the limitations of these claims, and the limitations of the claims from which they depend (which have been rejected in paragraphs 2) and 3) above) are obvious in view of the teachings of RTD and Madsen.

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RESPONSE TO THE REJECTIONS

1. Claims 1-9 have been rejected under 35 U.S.C. 112, second paragraph

The issue raised against these claims is the lack of antecedent basis for the terms “the interface formats” and “universal controller” (the first occurrence) in claim 1.

The claims have been amended to remove this issue.

Rejections Under 35 U.S.C. 102(e) and 35 U.S.C. 103(a), Especially Where the Mardsen

Reference Is Used

Preliminary Remarks Concerning the Invention

These remarks are believed to be material to the issues relating to the invention itself and to the particular art that the rejections apply against the claims.

The field of the invention claimed is clearly and absolutely limited to gaming apparatus, a clearly identifiable field of commerce and industry. The scope and nature of prior art that can be applied by one skilled in the gaming art, and even the nature of art that might be considered as relevant to the present invention must be considered from the context of the gaming industry. At least one prior art reference used in rejections of some of the present claims is not art that is relevant to the gaming industry and would not have been considered by one skilled in the gaming industry when considering the problems addressed by the present invention. That prior art reference is Mardsen et al. *Development of a PC-Windows Based Universal Control System*.

Mardsen et al. deals with robotics---“The control of moving parts...” in scientific and industrial processes. (Column 1, Page 284, under INTRODUCTION). The “crucial area which this paper addresses is the need for flexibility and adaptability of all components of a motion control system” (Page 284, column 1, ~lines 35-38). The “Universal’ control system allows the controller to coordinate highly specific manipulations of equipment, for example, the emulation of CNC milling or lathe machines. Even the direction of future work leads away from any consideration of application in the field of the gaming industry. On page 287, column 2 under “Future Developments,” Mardsen states:

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“Development work is continuing into new applications for the system. Of particular interest is in the field of high accuracy optical component alignment within the production environment using standard control system elements. This would represent a low cost practical solution to an industry wide problem.”

This system is clearly directed towards industrial robotics processes and industrial system plants and locations. There is nothing even vaguely similar between the field of use suggested by Mardsen and the field to which all claims in the application are limited.

Even though the relationship of components in Mardsen are similar to the relationship of components in the systems of the presently claimed invention, and even though some of the benefits are similar, the fields are so immensely diverse that the two fields (Industrial Processing and gaming apparatus) are non-analogous art. Not only would one skilled in the gaming art not be prone to seek expertise from within the Industrial processing field for the control of moving equipment (the field defined by Mardsen), but one skilled in the gaming art would have been prone (prior to the invention by Applicants) to have considered developments within the field of Industrial Processing to be non-analogous and not material to the development of hardware for a gaming apparatus. Even the overall benefits specifically attributed to the Mardsen system installation (Page 287, column 1, lines 17-24 “Results”) are unrelated to any benefits that are provided by the present invention in the gaming industry. Mardsen states that

“Production time per unit has been reduced by 75%, i.e., to less than 6 minutes, and quality increased to such an extent that waste has been virtually eliminated.”

These parameters cannot even be related to any potential for benefits in a gaming apparatus. There is never any waste, and production time is meaningless. Even mechanical reel-type slots operate at virtually the same speed as video gaming counterparts. There is no meaningful efficiency difference. **Mardsen constitutes non-analogous art that does not provide sufficient nexus to the gaming industry that its use would be motivated in application against the claims to the present invention. To emphasize this difference, the limitations of at least:**

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"the computerized game controller monitoring through an I/O interface assembly
at least one condition selected from the group consisting of: coins in/out, currency
in/out, debt/credit, and cashless event"

has been added to all independent claims in this application. This limitation clearly defines functions that are not analogous to the moving parts control or robotics control that is being implemented by Mardsen. These limitations further expand on the limitations that define the present as art that is not analogous to the filed of technology of Mardsen.

It is extremely important to understand the background of technology in the field of gaming that existed at the time that the present invention was conceived and reduced to practice. When new games had been developed within the gaming industry, it had been necessary to develop a customized peripheral interface to support the game (Page 6, lines 25-27). The prior art commercial status of gaming development at the time that the present invention was made relied upon development of complete systems (housing and coin/currency components being fairly constant within individual manufacturers, but not within the industry). Given the physical minimums of housing, lighting and sometime coin/currency control, individually designed hardware and software (motherboards, sisterboards, slave boards, input/output connection, pinning connections, game rules, image data, peripheral controls, security controls, authentication controls, etc.) had to be individually developed for each gaming format and type of gaming unit. This business system and structural format almost literally required "reinventing the wheel" each time that a new gaming format was desired to be introduced. This business system and structural format significantly slowed the introduction of new gaming formats and contributed to the underperformance of gaming equipment and the obsolescence of gaming apparatus when the shelf life of a gaming format declined. For example, when a gaming format with a title and image that was once topical has aged and play had diminished, the gaming apparatus (costing from \$10,000 to \$20,000 per unit) could only be warehoused or sold to a lower tier casino, where it would again be eventually warehoused. This system and the unique structure provided on each gaming format created substantial wastage in the industry, both in money, material and space.

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The system of the present invention, including the universal game controller of the present invention, is based on a standard PC-type unit. The replacement of the inventive unit, that has novel structural features in the hardware and software, provides all game functions necessary to implement a wide variety of games by loading various program code on the universal controller and then separately providing unique game information (e.g., from a separate gaming application-specific kernel) (see page 8, line 19 through page 9, line 4 of the specification). What is intended to be included in the term game functions includes button controls, coin acceptors, touch screen coordinates, credit managers, currency acceptors, operating system, security devices, game operating code and the like (Page 11, lines 14-22; page 15, line 23 through page 16, line 7). Additional game functions could be a store of images (e.g., cards or roulette wheel/symbols; see page 20, lines 1-4). These are separately provided with the I/O system as pinning-hardware/software in the PC-type system with a motherboard (Page 12, line 18, through page 19, line 8). The harness is fitted to the unique structure of the gaming device and the motherboard is connected to or integral with the harness/pin system (page 13, lines 5-8).

This type of system is quite distinct from conventional implementation of casino gaming systems where the entire system and program is originally installed with both game peripherals and game rules on the same board, so that replacement of a game in a given machine requires the complete replacement of both the game board and the peripheral controls. The game rules also must be uniquely and completely reconstructed and replaced. In the system claimed in the enabled practice of the invention, the invention provides a distinct set of a) pinning connections and game peripherals and b) game rules/controls. Once these distinct sets are provided, the old game rules from the original video gaming system may be connected through the new pinning/peripheral system or a new set of games rules using the inventively provided pinning system/game peripherals previously installed. In this manner, game designers may need to develop only the rules of the game, and the system peripherals are already available in the apparatus. This dramatically reduces game development time. (e.g., page 15, lines 2-7)

The provision of an I/O interface assembly having digital logic to perform at least one function selected from the group consisting of buffering, latching signals and converting signals between protocols enables the computer to universally work with a variety of

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systems/apparatus/formats, as the ability to convert the signal does not require repinning or reconnecting all user interface devices. For example, where pinning connections are provided, the computer links through the I/O with conversion (e.g., format conversion) functionality and the original pinning and the original user interfaces may be retained. This is in clear distinction to *Arcade* (art previously applied against the claims) where all the wiring is ripped out. This feature also relates to the amendments to the claims whereat least some of the original connections to user interface devices were not removed.

**2. Claims 1, 2, 5 and 6 have been rejected under 35 U.S.C. 102(e) as anticipated by Hedrick
(U.S. Patent No. 6,135,884)**

It is asserted that Hedrick et al. teach each and every limitation in these claims.

The Examiner has courteously identified those portions of the reference where each of the limitations in claim 1 are asserted to be shown in Hedrick et al. Even though Hedrick et al. does show some of the specific elements identified, Hedrick et al. does not show at least:

an I/O interface adapter configured to communicatively couple the interface assembly to
the communication port and convert at least some signals between the interface formats
supported by the interface assembly and the universal controller

There are numerous elements of this limitation that are not shown by Hedrick et al. in Figures 5-7 (identified by the PTO in the rejection) and those portions of the specification bridging columns 8-10 (identified by Applicants as describing Figures 5-7). First, there is no indication from the Figures or the defined portion of the specification that any I/O interface assembly “convert at least some signals.” Second, there is no indication that an I/O interface assembly convert signals “between interface formats supported by the interface assembly and the universal controller.” Third, there is no universal controller shown in those identified portions of Hedrick et al. The “system controller” is not a computerized game controller as that term is used in the claims and as defined in the specification.

Hedrick et al fails to support a rejection of claims 1, 2, 5 and 6 under 35 U.S.C. 102(e).

The rejection is in error and must be withdrawn.

3. Claims 4, 7 and 8 are rejected under 35 U.S.C. 103(a) as obvious over Hedrick et al., alone.

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It is asserted that the differences between these claims and claims 1 and 2 are obvious from the teachings of Hedrick et al., alone. As noted above, Hedrick et al. does not show essential limitations in claim 1 that are fundamental elements of the invention as claimed. Even if the additional limitations of these claims (4, 7 and 8) could be reasonably asserted to be obvious from knowledge of claims 1, 2, 4 and 5 (which is not admitted), the rejection would fail because the limitations of claims 1, 2, 4 and 5 are not taught by Hedrick et al. The rejection must fail for at least that reason.

4. Claims 3, 9-17 and 19-37 have been rejected under 35 U.S.C. 103(a) as unpatentable over
Hedrick in view of “RTD” and Mardsen.

It is asserted that all of the limitations of these claims, and the limitations of the claims from which they depend (which have been rejected in paragraphs 2) and 3) above) are obvious in view of the teachings of RTD and Mardsen.

This rejection must fail at least because Hedrick et al. is *de jure* admitted to fail to show every element of the claims because of the need to combine Hedrick et al. with other references to show the asserted obviousness of every limitation in the claims. Hedrick et al. has been shown above in the discussion of the rejection of claims 1, 2, 4 and 5 to fail to teach limitations on elements essential to the claims. The two references, even if they do show the limitations for which they are cited in this rejection, do not show the limitations that have not been shown by Hedrick et al. with respect to claims 1, 2, 4 and 5. As the two secondary references fail to show those limitations, they do not overcome the deficiencies of the Hedrick et al. reference with regard to the limitations in claims 1, 2, 4 and 5.

Additionally, the citation of Mardsen has been clearly asserted in this rejection to constitute the application of non-analogous art that cannot be rationally combined with Hedrick et al. within the gaming industry. Even if Mardsen teaches every limitation for which it is cited, which is not admitted, that teaching is appropriate for only a narrow field of use, Industrial Processing and telecommunications. There is no clear nexus between those fields and gaming apparatus. One skilled in the gaming art would not have considered the teachings of Mardsen as instructive for the development of gaming apparatus. The rejection cannot be obvious because

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there is no basis for motivating one skilled in the gaming art to use the moving parts computerized control system of Mardsen in a gaming apparatus.

The rejection under 35 U.S.C. 103(a) is untenable for all of these reasons and must be withdrawn.

CONCLUSION

All rejections have been shown to be in error. All rejections should be withdrawn and all claims allowed.

Respectfully submitted,

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By

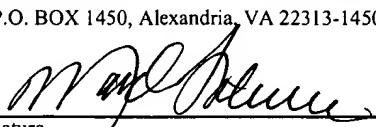


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP NON-FEE AMENDMENT, Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on July 2, 2003.

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Signature